



House of Representatives

File No. 781

General Assembly

January Session, 2017

(Reprint of File No. 694)

Substitute House Bill No. 7309
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 19, 2017

AN ACT CONCERNING HUMAN TRAFFICKING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-170 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) There is established a Trafficking in Persons Council that shall be
4 within the Commission on Women, Children and Seniors for
5 administrative purposes only.

6 (b) The council shall consist of the following members: (1) The Chief
7 State's Attorney, or a designee; (2) the Chief Public Defender, or a
8 designee; (3) the Commissioner of Emergency Services and Public
9 Protection, or the commissioner's designee; (4) the Labor
10 Commissioner, or the commissioner's designee; (5) the Commissioner
11 of Social Services, or the commissioner's designee; (6) the
12 Commissioner of Public Health, or the commissioner's designee; (7) the
13 Commissioner of Mental Health and Addiction Services, or the
14 commissioner's designee; (8) the Commissioner of Children and
15 Families, or the commissioner's designee; (9) the Commissioner of

16 Consumer Protection, or the commissioner's designee; (10) the director
17 of the Basic Training Division of the Police Officer Standards and
18 Training Council, or the director's designee; (11) the Child Advocate,
19 or the Child Advocate's designee; (12) the Victim Advocate, or the
20 Victim Advocate's designee; (13) the chairperson of the Commission
21 on Women, Children and Seniors or the chairperson's designee; (14)
22 one representative of the Office of Victim Services of the Judicial
23 Branch appointed by the Chief Court Administrator; (15) a municipal
24 police chief appointed by the Connecticut Police Chiefs Association, or
25 a designee; (16) the Commissioner of Education, or the commissioner's
26 designee; (17) an adult victim of trafficking, appointed by the
27 Governor; and [(16)] (18) ten public members appointed as follows:
28 The Governor shall appoint two members, one of whom shall
29 represent victims of commercial exploitation of children and one of
30 whom shall represent sex trafficking victims who are children, the
31 president pro tempore of the Senate shall appoint two members, one of
32 whom shall represent the Connecticut Alliance to End Sexual Violence
33 and one of whom shall represent an organization that provides civil
34 legal services to low-income individuals, the speaker of the House of
35 Representatives shall appoint two members, one of whom shall
36 represent the Connecticut Coalition Against Domestic Violence and
37 one of whom shall represent the Connecticut Lodging Association, the
38 majority leader of the Senate shall appoint one member who shall
39 represent an organization that deals with behavioral health needs of
40 women and children, the majority leader of the House of
41 Representatives shall appoint one member who shall represent an
42 organization that advocates on social justice and human rights issues,
43 the minority leader of the Senate shall appoint one member who shall
44 represent the Connecticut Immigrant and Refugee Coalition, and the
45 minority leader of the House of Representatives shall appoint one
46 member who shall represent the Motor Transport Association of
47 Connecticut, Inc.

48 (c) The chairperson of the Commission on Women, Children and
49 Seniors, or a designee, shall serve as chairperson of the council. The

50 members of the council shall serve without compensation but shall be
51 reimbursed for necessary expenses incurred in the performance of
52 their duties.

53 (d) The council shall: (1) Hold meetings to provide updates and
54 progress reports, (2) coordinate the collection, analysis and
55 dissemination of data regarding human trafficking, and (3) consult
56 with governmental and nongovernmental organizations in developing
57 recommendations to strengthen state and local efforts to prevent
58 trafficking, protect and assist victims of trafficking and prosecute
59 traffickers. The council shall meet at least three times per year.

60 (e) The council may request data and other information from state
61 and local agencies to carry out its duties under this section.

62 (f) (1) The council shall:

63 (A) Develop a list of key indicators that a person is a victim of
64 trafficking;

65 (B) Develop a standardized curriculum and conduct training for
66 doctors, nurses, pharmacists, pharmacy technicians, emergency
67 medical services personnel, teachers, school counselors, school
68 administrators and personnel from the Department of Children and
69 Families and the Department of Public Health to identify victims of
70 human trafficking, using the list of key indicators developed under
71 subparagraph (A) of this subdivision, and assist such victims;

72 (C) Develop and conduct training for personnel from the
73 Departments of Children and Families and Public Health on methods
74 for identifying children in foster care who may be at risk of becoming
75 victims of trafficking;

76 (D) Develop a plan for mental health, support and substance abuse
77 programs for individuals identified as victims of trafficking and those
78 arrested for prostitution in violation of section 53a-82. The plan shall
79 provide for (i) the diversion of victims of trafficking and prostitution

80 offenders into community-based treatment and support services,
81 including, but not limited to, substance abuse recovery, housing,
82 healthcare, job training, treatment and mental health support, and (ii)
83 after the successful completion of the program, the dismissal of any
84 related criminal charges against the accused.

85 (2) The council shall include such plan and any recommendations
86 for legislation to implement the plan as part of any report submitted
87 pursuant to subsection (h) of this section not later than January 1, 2018.

88 (g) The council shall examine the challenges faced by victims of
89 trafficking who are persons without legal immigration status. The
90 council may recommend services that such persons could benefit from
91 and legislation to provide such services as part of any report submitted
92 pursuant to subsection (h) of this section.

93 ~~[(f)]~~ (h) Not later than January 1, 2008, and annually thereafter, the
94 council shall submit a report of its activities, including any
95 recommendations for legislation, to the General Assembly in
96 accordance with section 11-4a.

97 ~~[(g)]~~ (i) For the purposes of this section, "trafficking" means all acts
98 involved in the recruitment, abduction, transport, harboring, transfer,
99 sale or receipt of persons, within national or across international
100 borders, through force, coercion, fraud or deception, to place persons
101 in situations of slavery or slavery-like conditions, forced labor or
102 services, such as forced prostitution or sexual services, domestic
103 servitude, bonded sweatshop labor or other debt bondage.

104 Sec. 2. Section 53a-192a of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2017*):

106 (a) A person is guilty of trafficking in persons when such person (1)
107 compels or induces another person to engage in conduct involving
108 sexual contact with one or more third persons, or provide labor or
109 services that such person has a legal right to refrain from providing, by
110 means of (A) the use of force against such other person or a third

111 person, or by the threat of use of force against such other person or a
112 third person, (B) fraud, or (C) coercion, as provided in section 53a-192,
113 [or] (2) compels or induces another person who is under eighteen years
114 of age to engage in conduct involving sexual contact with one or more
115 third persons that constitutes sexual contact for which such third
116 person may be charged with a criminal offense, or (3) otherwise
117 commits an act that constitutes sex trafficking. For the purposes of this
118 subsection, "sexual contact" means any contact with the intimate parts
119 of another person, and "sex trafficking" means the recruitment,
120 harboring, transportation or provision of a person for the purpose of
121 engaging in sexual conduct with another person for a fee.

122 (b) Trafficking in persons is a class [B] A felony.

123 Sec. 3. Section 53a-83 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2017*):

125 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
126 to a prior understanding, [he] such person pays a fee to another person
127 as compensation for such person or a third person having engaged in
128 sexual conduct with [him] such person; [or] (2) [he] such person pays
129 or agrees to pay a fee to another person pursuant to an understanding
130 that in return [therefor] for such fee such other person or a third
131 person will engage in sexual conduct with [him] such person; or (3)
132 [he] such person solicits or requests another person to engage in sexual
133 conduct with [him] such person in return for a fee.

134 (b) [Except as provided in subsection (c) of this section, patronizing]
135 Patronizing a prostitute is a class A misdemeanor and any person
136 found guilty shall be fined two thousand dollars.

137 [(c) Patronizing a prostitute is a class C felony if such other person
138 (1) had not attained eighteen years of age, or (2) was the victim of
139 conduct of another person that constitutes (A) trafficking in persons in
140 violation of section 53a-192a, or (B) a criminal violation of 18 USC
141 Chapter 77, as amended from time to time.]

142 Sec. 4. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of
143 commercial sexual abuse of a minor when: (1) Such person pays a fee
144 to a minor or third person as compensation for a minor having
145 engaged in sexual conduct with such person; (2) such person pays or
146 agrees to pay a fee to a minor or a third person pursuant to an
147 understanding that in return for such fee the minor will engage in
148 sexual conduct with such person; or (3) such person solicits or requests
149 to engage in sexual conduct with a minor, or any other person that
150 such person reasonably believes to be a minor, in return for a fee.

151 (b) Except as provided in subsection (c) of this section, commercial
152 sexual abuse of a minor is a class B felony.

153 (c) Commercial sexual abuse of a minor is a class A felony if the
154 minor has not attained fifteen years of age.

155 (d) For purposes of this section, "minor" means a person who has
156 not attained eighteen years of age.

157 Sec. 5. Section 54-234a of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2017*):

159 (a) (1) The operator of any (A) establishment that provides massage
160 services for a fee; (B) publicly or privately operated highway service
161 plaza; [, any] (C) hotel, motel, inn or similar lodging; [or any] (D)
162 public airport, as defined in section 15-74a; (E) acute care hospital
163 emergency room; (F) urgent care facility; (G) station offering passenger
164 rail service or passenger bus service; (H) business that sells or offers for
165 sale materials or promotes performances intended for an adult-only
166 audience; (I) employment agency, as defined in section 31-129, that
167 offers personnel services to any other operator described in this
168 subdivision; or (J) establishment that provides services performed by a
169 nail technician, as defined in section 19a-231, and (2) each person who
170 holds an on-premises consumption permit for the retail sale of
171 alcoholic liquor pursuant to title 30, shall post the notice developed
172 pursuant to subsection (b) of section 54-222 in plain view in a
173 conspicuous location where [sales] labor and services are provided or

174 performed, tickets are sold and other transactions, including sales, are
175 to be carried on.

176 (b) The provisions of subsection (a) of this section shall not apply to
177 any person who holds an on-premises consumption permit for the
178 retail sale of alcoholic liquor pursuant to title 30 that consists of only
179 one or more of the following: (1) A caterer, [railroad,] boat, [airline,]
180 military, charitable organization, special club, temporary liquor or
181 temporary beer permit, or (2) a manufacturer permit for a farm winery,
182 a manufacturer permit for beer, manufacturer permits for beer and
183 brew pubs, or any other manufacturer permit issued under title 30.

184 (c) Any operator or person who fails to comply with the provisions
185 of subsection (a) of this section shall be fined one hundred dollars for a
186 first offense and two hundred fifty dollars for any subsequent offense,
187 in addition to any proceedings for suspension or revocation of a
188 license, permit or certificate that the appropriate authority may initiate
189 under any other provision of law.

190 Sec. 6. (NEW) (*Effective October 1, 2017*) (a) The Commissioner of
191 Children and Families, in consultation with the Commissioner of
192 Emergency Services and Public Protection, shall develop an initial
193 educational training program and refresher training program for the
194 accurate and prompt identification and reporting of suspected human
195 trafficking.

196 (b) The training program shall include a video presentation,
197 developed and approved by said commissioners, that offers awareness
198 of human trafficking issues and guidance to law enforcement
199 personnel, judges of the Superior Court, prosecutors, public defenders
200 and other attorneys who represent criminal defendants, hospital
201 emergency room staff and urgent care facility staff who have contact
202 with patients and persons employed by a local or regional board of
203 education or a constituent unit, as defined in section 10a-1 of the
204 general statutes, who have contact with students.

205 (c) Any person described in subsection (b) of this section shall

206 complete the initial educational training program not later than July 1,
207 2018, and shall complete the refresher training program annually
208 thereafter, provided any person being employed as such a person shall
209 complete such initial educational training program not later than six
210 months after beginning such employment or July 1, 2018, whichever is
211 later.

212 Sec. 7. (*Effective from passage*) (a) The Attorney General, in
213 consultation with the Commissioner of Administrative Services, the
214 Secretary of the Office of Policy and Management and any other state
215 agencies or interested parties the Attorney General deems necessary,
216 shall develop a proposed certification for inclusion in state contracts
217 that conforms, to the extent legally feasible, with the provisions of the
218 federal Executive Order 13627 Strengthening Protections Against
219 Trafficking in Persons in Federal Contracts.

220 (b) Not later than January 1, 2018, the Attorney General shall submit
221 a report reflecting the proposed certification described in subsection
222 (a) of this section, along with any recommendations concerning the
223 proposed certification, to the joint standing committees of the General
224 Assembly having cognizance of matters relating to the judiciary and
225 government administration, in accordance with the provisions of
226 section 11-4a of the general statutes.

227 Sec. 8. Section 53a-84 of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective October 1, 2017*):

229 (a) In any prosecution for prostitution in violation of section 53a-82
230 or patronizing a prostitute in violation of section 53a-83, as amended
231 by this act, [or 53a-83a,] the sex of the two parties or prospective
232 parties to the sexual conduct engaged in, contemplated or solicited is
233 immaterial, and it shall be no defense that: (1) Such persons were of the
234 same sex; or (2) the person who received, agreed to receive or solicited
235 a fee was a male and the person who paid or agreed or offered to pay
236 such fee was a female.

237 (b) In any prosecution for patronizing a prostitute in violation of

238 section 53a-83, as amended by this act, [or 53a-83a,] promoting
239 prostitution in violation of section 53a-86, 53a-87 or 53a-88 or
240 permitting prostitution in violation of section 53a-89, it shall be no
241 defense that the person engaging or agreeing to engage in sexual
242 conduct with another person in return for a fee could not be
243 prosecuted for a violation of section 53a-82 on account of such person's
244 age.

245 Sec. 9. Subsection (a) of section 54-36p of the general statutes is
246 repealed and the following is substituted in lieu thereof (*Effective*
247 *October 1, 2017*):

248 (a) The following property shall be subject to forfeiture to the state
249 pursuant to subsection (b) of this section:

250 (1) All moneys used, or intended for use, in a violation of
251 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
252 87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,
253 53a-196c or 53a-196i;

254 (2) All property constituting the proceeds obtained, directly or
255 indirectly, from a violation of subdivision (3) of subsection (a) of
256 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
257 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

258 (3) All property derived from the proceeds obtained, directly or
259 indirectly, from a violation of subdivision (3) of subsection (a) of
260 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
261 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

262 (4) All property used or intended for use, in any manner or part, to
263 commit or facilitate the commission of a violation of subdivision (3) of
264 subsection (a) of section 53-21 or section 53a-83, as amended by this
265 act, [53a-83a,] 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-
266 192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

267 Sec. 10. Sections 53a-83a and 54-36m of the general statutes are

268 repealed. (*Effective October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46a-170
Sec. 2	<i>October 1, 2017</i>	53a-192a
Sec. 3	<i>October 1, 2017</i>	53a-83
Sec. 4	<i>October 1, 2017</i>	New section
Sec. 5	<i>October 1, 2017</i>	54-234a
Sec. 6	<i>October 1, 2017</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2017</i>	53a-84
Sec. 9	<i>October 1, 2017</i>	54-36p(a)
Sec. 10	<i>October 1, 2017</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dpt (Probation)	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to statute concerning human trafficking. The sections of the bill with a fiscal impact are described below.

Sections 2-4 of the bill expand the scope and punishment for human trafficking and patronizing a prostitute and creates a new offense of commercial sexual abuse of a minor and results in a cost and potential revenue gain for the state. Human trafficking now includes sex trafficking and the penalty has been increased from a class B to a class A felony. The penalty for patronizing a prostitute under the age of 18 has been reduced but a new penalty for commercial sexual abuse of a minor will result in a class B felony. There are currently 5 people in prison for trafficking in persons and 0 people in prison for patronizing a prostitute.

To the extent that future offenders receive higher fines and longer prison sentences under the bill, potential costs for incarceration or probation supervision in the community, or general fund revenue would result. On average, it costs the state \$7,260 (including benefits)

to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

Section 5, which expands the types of businesses and facilities that must post a brochure containing information for trafficking victims and adds a new fine for violations, results in potential minimal revenue gain from fines.

Section 6 requires the Department of Children and Families to consult with the Department of Emergency Services and Public Protection to develop an educational and refresher training program related to human trafficking. It is anticipated that the agency will utilize U.S. Department of Homeland Security *Blue Campaign* resources at no cost.

Sections 1, 7-9 makes changes that do not result in a fiscal impact.

House "A" struck the underlying bill and replaces it with language that resulted in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Homeland Security, *Blue Campaign*, available: <https://www.dhs.gov/blue-campaign>

OLR Bill Analysis**sHB 7309 (as amended by House "A")******AN ACT CONCERNING HUMAN TRAFFICKING.*****SUMMARY**

This bill makes various changes in laws that pertain to human trafficking. The bill principally:

1. adds to the Trafficking in Persons Council's membership and expands the council's charge;
2. expands the conduct punishable as a trafficking in persons crime and increases the penalty for the crime;
3. reduces the penalty for patronizing a prostitute when the victim is a trafficking victim;
4. repeals the higher penalties under the patronizing a prostitute statute for conduct that involves a minor but imposes stricter penalties under a new crime the bill creates ("commercial sexual abuse of a minor");
5. broadens the list of people and entities required to post a notice about services for human trafficking victims and imposes a penalty for violations;
6. requires the Department of Children and Families (DCF) commissioner to consult with the Department of Emergency Services and Public Protection (DESPP) commissioner in developing an educational and refresher training program related to human trafficking; and
7. requires the attorney general to develop and report on a

proposed certification for inclusion in state contracts to conform, to the extent legally feasible, with the provisions of the federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts.

It also makes technical and conforming changes.

*House Amendment "A" replaces the underlying bill with similar provisions and in so doing it (1) modifies the definition of "sex trafficking" for the purpose of the trafficking in persons crime; (2) increases the underlying bill's penalty for commercial sexual abuse of a minor when the victim is under age 15; (3) further expands the list of people and entities required to post notices on human trafficking services; (4) requires the attorney general, instead of the Department of Administrative Services (DAS) commissioner, to develop and report on a proposed certification for use in state contracts; and (5) makes other minor changes.

EFFECTIVE DATE: October 1, 2017, except the provision on the attorney general's proposed certification is effective upon passage.

§ 1 — TRAFFICKING IN PERSONS COUNCIL

Membership

The bill increases the council's membership from 25 to 27 by adding an adult trafficking victim, appointed by the governor, and the Education commissioner or her designee.

Responsibilities

By law, the council must (1) coordinate the collection, analysis, and dissemination of data regarding human trafficking and (2) meet to provide updates and progress reports and consult with government and nongovernmental organizations in developing recommendations on trafficking efforts.

The bill expands the council's charge by requiring it to develop:

1. a list of key trafficking victim indicators;

2. a standardized curriculum and conduct training for doctors, nurses, pharmacists, pharmacy technicians, emergency medical services personnel, teachers, school counselors, school administrators, and DCF and Department of Public Health (DPH) personnel to identify human trafficking victims using the list of key indicators and assist the victims;
3. training for DCF and DPH personnel on methods to identify foster care children who may be at risk of becoming trafficking victims, and to conduct such training; and
4. a plan for mental health, support, and substance abuse programs for individuals identified as trafficking victims and those arrested for prostitution.

Plan for Trafficking Victims' Programs

Under the bill, the plan for mental health, support, and substance abuse programs for trafficking victims must provide for the:

1. diversion of trafficking victims and prostitution offenders into community-based treatment and support services, including substance abuse recovery, housing, healthcare, job training, treatment and mental health support; and
2. after the successful completion of the program, the dismissal of any related criminal charges against the accused.

Reporting Recommendations

Starting by January 1, 2018, the bill requires the council to include the plan, and any recommendations for legislation to implement the plan, as part of its annual report to the legislature.

The bill also requires the council to examine the challenges faced by trafficking victims who do not have legal immigration status. It allows the council to include in any of its reports recommendations for services that could benefit those individuals and legislation to provide such services.

§ 2 — TRAFFICKING IN PERSONS

The bill expands the trafficking in persons crime to include the commission of a sex trafficking act.

Under the bill, “sex trafficking” is the recruitment, harboring, transportation, or provision of a person for the purpose of engaging in sexual conduct with another person for a fee.

Currently, one way to commit the trafficking in persons crime is to compel or induce someone under age 18 to engage in sexual contact that is prostitution or illegal sexual contact with a third person.

The bill also increases, from a class B felony to class A felony, the penalty for the trafficking in persons crime.

By law, a class B felony is punishable by one to 20 years in prison, a fine of up to \$15,000, or both. A class A felony is punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both.

§§ 3 & 10 — PATRONIZING A PROSTITUTE

Patronizing a Prostitute

Currently, patronizing a prostitute is a class C felony if the victim is a minor (under age 18) or a trafficking victim. By law, a class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

By law, other cases of patronizing a prostitute are a class A misdemeanor punishable by up to one year in prison and a mandatory \$2,000 fine.

When Victim is a Minor. The bill repeals the higher penalties under the patronizing a prostitute statute for conduct that involves a minor but imposes stricter penalties under a new crime the bill creates, “commercial sexual abuse of a minor,” (see § 4 below).

Trafficking Victim. The bill reduces, from a class C felony to a class A misdemeanor, the penalty for patronizing a prostitute when the

victim is a trafficking victim. It expands the trafficking in persons crime to include the commission of a sex trafficking act and imposes a stricter penalty (see § 2 above).

Patronizing a Prostitute From a Motor Vehicle

The bill repeals the patronizing a prostitute from a motor vehicle statute and the corresponding impoundment statute. The provisions of these repealed statutes are addressed under existing patronizing a prostitute and forfeiture laws. Under existing law, patronizing a prostitute from a motor vehicle carries the same penalty as other cases of patronizing a prostitute as described above.

§ 4 — COMMERCIAL SEXUAL ABUSE OF A MINOR

Under the bill, a person is guilty of commercial sexual abuse of a minor when the person:

1. pays a fee to a minor or third person as compensation for a minor (under age 18) engaging in sexual conduct with such person;
2. pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return for such fee the minor will engage in sexual conduct with such person; or
3. solicits or requests to engage in sexual conduct with a minor, or any other person that such person reasonably believes to be a minor, in return for a fee.

Under the bill, commercial sexual abuse of a minor is a (1) class B felony if the victim is age 15, 16, or 17 and (2) class A felony if the victim is under age 15.

§ 5 — HUMAN TRAFFICKING VICTIM SERVICES NOTICE

Notice

The bill adds to those people and entities required to post a notice developed by the Office of the Chief Court Administrator about services for human trafficking victims.

It expands the types of service operators that must post the notice. Currently, any publicly or privately operated service plazas, hotels, motels, similar lodgings, and businesses that offer for sale or promote performances for adult audiences must post it. The bill requires operators of the following services to post this notice:

1. an establishment that provides massage services for a fee;
2. a public airport;
3. an acute care hospital emergency room;
4. an urgent care facility;
5. a passenger rail or bus service station;
6. an employment agency that offers personnel services to any operator required to post the notice; and
7. an establishment that provides services performed by a nail technician.

With certain exceptions, the law requires someone to post the notice if he or she holds an on-premises consumption permit for the retail sale of alcohol. Existing exceptions include caterers, railroads, boats, airlines, charitable organizations, and special clubs. The bill eliminates the exception for railroads and airlines.

Under existing law, the notice must be posted in plain view in a conspicuous location where sales occur. The bill expands this to include locations where the labor and services are provided or performed, tickets are sold, and other transactions occur.

By law, this notice must state the toll-free state and federal anti-trafficking hotline numbers that someone can use if he or she is forced to engage in an activity and cannot leave.

Penalty

Under the bill, any operator or person who fails to comply with the notice provision is subject to a fine of \$100 for the first offense and \$250 for a subsequent offense. Additionally, violators are subject to any license, permit, or certificate suspension or revocation proceeding that an appropriate authority may initiate.

§ 6 — DCF EDUCATIONAL TRAINING PROGRAM

The bill requires the DCF commissioner, in consultation with the DESPP commissioner, to develop and approve an educational and refresher training program to accurately and promptly identify and report suspected human trafficking.

The program must include a video presentation that offers awareness of human trafficking issues and guidance to:

1. law enforcement personnel;
2. Superior Court judges;
3. prosecutors, public defenders, and attorneys who represent criminal defendants;
4. hospital emergency room and urgent care facility staff who have contact with patients; and
5. local or regional board of education, University of Connecticut, or Connecticut state college or university employees who have contact with students. (The bill does not specify what “contact” means.)

These individuals must complete the (1) initial educational training by July 1, 2018 and (2) refresher training annually thereafter. New hires must complete the initial educational training within six months after their start date, or by July 1, 2018, whichever is later.

§ 7 — ATTORNEY GENERAL’S PROPOSED CERTIFICATION

The bill requires the attorney general to:

1. develop a proposed certification for inclusion in state contracts that conforms, to the extent legally feasible, with the provisions of federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts (see BACKGROUND);
2. do so in consultation with the DAS commissioner, the Office of Policy and Management secretary, and any other state agencies or interested parties the attorney general deems necessary; and
3. starting January 1, 2018, submit a report reflecting the proposed certification along with any related recommendations, to the Judiciary and Government Administration and Elections committees.

BACKGROUND

Federal Executive Order 13627

This order required the Federal Acquisition Regulatory Council to amend federal regulations to strengthen the effectiveness of the Government's zero-tolerance policy on trafficking in persons by federal contractors and subcontractors in solicitations, contracts, and subcontracts for supplies or services. Among other things, it:

1. expressly prohibits federal contractors, contractor employees, subcontractors, and subcontractor employees from (a) using misleading or fraudulent recruitment practices, (b) charging employees recruitment fees, or (c) denying an employee access to the employee's identity documents, such as passports or drivers' licenses;
2. requires contractors and their subcontractors, by contract, to agree to cooperate fully with the enforcement agencies responsible for audits and investigations; and
3. requires contractors and subcontractors to (a) notify specific federal agencies if they become aware of certain activities and (b) maintain a compliance plan.

Related Bill

sHB 7310, reported favorably by the Judiciary Committee, increases, from a class C felony to a class B felony, the penalty for patronizing a prostitute if the victim is under age 16. It maintains existing law's penalty of a class C felony if the victim is age 16 or 17 or a trafficking victim.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/04/2017)